

APPENDIX III

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD CHAKEJIAN,)	
on behalf of himself and all others)	
similarly situated,)	
)	
Plaintiffs,)	C. A. No. 07- 2211
vs.)	
)	
EQUIFAX INFORMATION SERVICES LLC,)	CLASS ACTION
)	
Defendant.)	
)	

**DECLARATION OF ROBERT S. SOLA SUBMITTED IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS**

I, Robert S. Sola, Esquire, declare as follows:

1. I am the sole owner of the law firm of Robert S. Sola, P.C. I am one of the attorneys who represent plaintiff in this action. I submit this declaration in support of the motion for attorneys' fees and costs filed by plaintiffs.

2. I joined as one of the attorneys for plaintiffs in April 2010, primarily to participate in the trial and preparation for trial of this action. Attached as Exhibit A is the time report for my work in this case. I spent the time listed on the tasks as described in Exhibit A.

3. Because I do not regularly practice in Pennsylvania, I do not have an hourly rate that I charge for work done in the Eastern District of Pennsylvania. Plaintiffs are seeking attorneys' fees for the work I performed at the rate of \$550 an hour. This rate is reasonable and well within the acceptable range charged by attorneys with comparable skill, reputation and experience in the greater Philadelphia market for comparable litigation. This hourly rate is supported by the expert opinion in the Declaration of Cary Flitter, attached as Exhibit B.

4. The lodestar fee for my work in this action is \$54,120, based on 98.4 hours at \$550 an hour.

5. I have handled Fair Credit Reporting Act (FCRA) cases for the past 15 years and devoted my practice almost entirely to FCRA cases for the past eight years. I have obtained two multi-million dollar verdicts in FCRA trials, which are the two largest FCRA verdicts not reversed by an appellate court. In 2002, I was lead counsel in *Thomas v. Trans Union, LLC*, U.S.D.C. (Oregon) Case No. CV-00-1150-JE where the jury awarded the consumer \$300,000 in actual damages and \$5 million in punitive damages. In 2007, my client obtained a verdict of \$219,000 in actual damages and \$2 million in punitive damages against Equifax in Florida state court. *Williams v. Equifax Information Services, LLC*, Orange County Circuit Court, Florida Case No. 48-2003-CA-9035-0.

My first FCRA trial was in 1998, against TRW, resulting in a \$600,000 verdict. *Novinger-Jorgensen v. TRW, Inc.*, U.S.D.C. (Oregon) Case No. CV-96-0286-JE. In 2005, I was co-counsel in *Kirkpatrick v. Equifax Information Services LLC*, U.S.D.C. (Oregon) Case No. CV-02-1197-MO Lead, in which the consumer obtained a verdict of \$210,000.

I was one of the pioneers in the field of FCRA litigation in the 1990's. The verdict in the *Thomas* case, and the paid judgment, are the highest ever in an FCRA case. I was named Trial Lawyer of the Year in 2003 by the National Association of Consumer Advocates based on the *Thomas* case.

My reputation has led to a national practice in FCRA cases, as other attorneys associate me on FCRA cases, or consumers outside Oregon contact me to represent them. I have litigated FCRA cases in more than 10 states. I have successfully settled scores of FCRA cases with Equifax, Experian, Trans Union, banks, collection agencies, and other creditors.

I have been in private practice since 1984, when I became an associate at Stoel Rives. In 1987, I moved to Washington, D.C., and joined the staff of Congressman Bill Richardson, where I became Legislative Director. In 1991, I became an associate at Williams and Troutwine, PC, specializing in complex litigation, including products liability and medical malpractice. I started my own practice in 1995, and soon began specializing in consumer law.

I am a former chair and member of the executive committee of the Oregon State Bar Products Liability Section, and currently serve on the executive committee of the Oregon State Bar Consumer Law Section. I have made numerous presentations on the FCRA and consumer law topics for the Oregon State Bar, the National Consumer Law Center, the National Association of Consumer Advocates and private associations.

I declare under the penalty of perjury that the foregoing is true and correct.

Signed this 17th day of March 2011.

/s/ Robert S. Sola
Robert S. Sola
Of Attorney for Plaintiffs

EXHIBIT A

Robert Sola's Time Entry Report

Chakejian v. Equifax
U.S.D.C. E.D. Pa. C.A. No. 07-2211

Date	Task/Activity Description	Time (hrs)
4-8-10	Review John Soumilas email re associating on case and facts of case; send response to email; review John Soumilas email re telephone conference, amended complaint and motion for summary judgment	.5
4-15-10	Review John Soumilas email re <i>pro hac vice</i>	.1
4-19-10	Review class certification opinion	.5
4-20-10	Send response to John Soumilas email; review John Soumilas reply	.2
4-22-10	Review verdict form; review amended complaint; emails with John Soumilas re pretrial submissions; review voir dire questions; do <i>pro hac vice</i> application	.9
4-23-10	Review jury instructions; review opposition to summary judgment; email to John Soumilas with jury instructions; telephone conference with John Soumilas re verdict form, jury instructions, facts of case, procedural posture; complete <i>pro hac vice</i> application and send to John Soumilas; review pretrial memo and email to John Soumilas re witnesses, depo designation, exhibits	3.8
4-26-10	Telephone conference with John Soumilas and Jim Francis re jury instructions, verdict form, voir dire questions; email to John Soumilas re witnesses, depo designation, pretrial memo; review John Soumilas email re strategy matters and today's filings; review John Soumilas email to defendant re trial exhibit	2.7
4-27-10	Review John Soumilas email re strategy matters	.1
5-5-10	Telephone conference with John Soumilas re motions in limine, settlement terms, mediation; review list of motions in limine	1.2
5-14-10	Review emails re strategy matters and telephone conference	.2

Date	Task/Activity Description	Time (hrs)
5-17-10	Telephone conference with John Soumilas, Jim Francis and David Searles re motions in limine, mediation, pretrial conference; email to John Soumilas, Jim Francis and David Searles re damages; review email re conference tomorrow	2.1
5-18-10	Telephone conference with John Soumilas, Jim Francis and David Searles re settlement terms	1.8
5-19-10	Outline and draft motion in limine 6 - negligence claim; legal research on motion in limine 6; review Judge Brody's procedures; outline motion in limine 4; email to John Soumilas and Jim Francis re evidence of damages and motion in limine 4	2.0
5-20-10	Review Stan Smith letter on value of <i>Gillespie</i> settlement; emails to John Soumilas, Jim Francis and David Searles re changing conference to Friday; review John Soumilas response to email on motion in limine re damages and trial issue, and send response	.8
5-21-10	Review email from John Soumilas and motion in limine draft; telephone conference with John Soumilas, Jim Francis and David Searles re settlement terms and pretrial issues; telephone conference with Evan Hendricks re consent order relating to <i>Chakejian</i>	1.3
5-24-10	Review email from John Soumilas re motion in limine 3, and send response; review email from Evan Hendricks re consent order; email to John Soumilas re Evan Hendricks' email; draft motion in limine 3; revise motion in limine 3	1.5
5-25-10	Review emails of Jim Francis and John Soumilas re depo designations; review Equifax motions in limine; review Evan Hendricks report; review Equifax email to John Soumilas re motion in limine agreements	1.4
5-27-10	Review John Soumilas email on motions in limine and Jim Francis response and set up telephone conference; telephone conference with John Soumilas and Jim Francis re motion in limine to bifurcate and proposing deal; draft response to motion in limine re Evan Hendricks; telephone conference with John Soumilas re response to motion in limine re Evan Hendricks; email to John Soumilas re exhibits for response to motion in limine re Evan Hendricks; legal research on FRE 703; email to FCRA listserve re expert testimony on Equifax letter being misleading	3.5

Date	Task/Activity Description	Time (hrs)
5-28-10	Telephone conference with John Soumilas and Jim Francis re division of trial work, opposition to motions in limine, mediation, letter to Judge Brody re telephone appearance; review emails from Equifax re delaying motions in limine; review emails from John Soumilas, Jim Francis and David Searles re mediation and info from Equifax; review emails from John Soumilas re objections to Equifax depo designations; draft letter to Judge Brody requesting telephone appearance; email to John Soumilas re letter to Judge, and motion in limine re Evan Hendricks testifying that letter is misleading; review response from listserve re expert	1.0
6-1-10	Telephone conference with John Soumilas and Jim Francis re settlement, mediation and pretrial conference.	.3
6-2-10	Email with John Soumilas re pretrial; telephone conference with court; telephone conference with John Soumilas, Jim Francis and David Searles re pretrial conference issues, trial and division of work, cross of Equifax witnesses, reasonable reading defense; review Judge Brody's Trial Procedures; pretrial conference; telephone conference with John Soumilas, Jim Francis and David Searles re trial strategy, tasks; review John Soumilas email re meeting with plaintiff and send response	3.3
6-3-10	Review plaintiff's exhibits for use in opening and trial; review FCRA sections for use in opening; review Jim Francis email re meeting with plaintiff; email to John Soumilas re plaintiff's exhibits; review John Soumilas response on exhibits and demonstrative exhibits; review Ex. 16; send response to John Soumilas re demonstrative exhibits; review Jim Francis emails re mediation and division of trial work; review Jim Francis email on order of witnesses, division of examination of witnesses and responding to Equifax email re order of witnesses; review John Soumilas email with demonstrative exhibit; email to John Soumilas and Jim Francis re settlement; review Jim Francis response; telephone conference with John Soumilas and Jim Francis re trial matters, settlement; review draft order on motion in limine; prepare demonstrative exhibits on FCRA; email to John Soumilas re demonstrative exhibits, info to send to Equifax and settlement	3.9
6-4-10	Review and highlight exhibits for opening; review Fluellen depo designations; email with John Soumilas; review emails of Jim Francis and Equifax re witness order; review emails of plaintiff's counsel re witnesses; review emails of plaintiff's counsel re getting update on class size; review email from Danielle Sprang (paralegal) re PowerPoint	8.2

Date	Task/Activity Description	Time (hrs)
	and exhibits for opening; email to John Soumilas re Fluellen depo designations; telephone conference with Danielle Sprang re PowerPoint, exhibits and opening; telephone conference with Jim Francis and John Soumilas re opening and Fluellen designations; review David Searles email re Equifax offer, and send response; review PowerPoint on slide 1; do exhibits to send to Equifax; draft Ten Misrepresentations demonstrative exhibit; telephone conference with John Soumilas re demonstrative exhibit; review all slides for PowerPoint; outline opening; review defendant exhibits 13, 14; telephone conference with Jim Francis and John Soumilas re Fluellen depo designations	
6-5-10	Travel to Philadelphia; review Fluellen depo and part of DeGrace depo (p. 1-55) and make notes for cross; notes for opening; notes for closing; conference with John Soumilas re why Equifax does not fix letter	9.3
6-6-10	Review DeGrace depo p. 56-124; conference with Jim Francis re opening, themes of trial; draft opening; conference with Jim Francis re DeGrace testimony, Fluellen testimony and plaintiff testimony; notes for closing	10.1
6-7-10	Meeting with John Soumilas, Jim Francis and Mark Mailman re mediation (pre mediation); meeting with Richard Chakejian; conference with plaintiff's counsel re settlement; revise opening; practice opening; draft cross of Fluellen; go to court to check audio/visual system; outline of closing; notes re Evan Hendricks direct	14.2
6-8-10	Trial prep and trial	8.1
6-9-10	Travel to Portland	10.5
6-25-10	Review emails re Jim Francis telephone conference with Equifax re settlement; review letter to court in <i>Summerfield</i>	.5
7-14-10	Review Stipulation re settlement	.1
8-13-10	Review Stipulation to extend deadlines	.1
8-31-10	Review Motion to Consolidate Cases	.1

Date	Task/Activity Description	Time (hrs)
10-21-10	Emails with John Soumilas re costs	.1
10-22-10	Review order consolidating cases and preliminarily approving settlement	.2
1-10-11	Review objection of Jeffrey Lichtenstein	.1
2-21-11	Review my declaration and expert declaration from recent case, for use by expert	.2
2-22-11	Telephone conference with Cary Flitter re providing expert opinion on hourly rate. Email to Cary Flitter with declarations and <i>Chakejian</i> opinion. Review time records for accuracy and complete descriptions of task/activity	1.1
3-15-11	Draft declaration in support of fee petition	1.4
3-16-11	Revise declaration in support of fee petition; review declaration of Cary Flitter; telephone conference with Cary Flitter regarding declaration	1.0
Total		98.4

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD CHAKEJIAN

Plaintiff

vs.

EQUIFAX INFORMATION SERVICES, LLC

Defendant

CIVIL ACTION

NO. 07-CV-2211(AB)

DECLARATION OF CARY L. FLITTER

1. I am an adult individual, a member of the bar of this Court in good standing.
2. I have been admitted to the bar for 30 years (1981). The concentration of my practice area is federal consumer credit litigation, both individual and class action cases. I have represented hundreds of plaintiffs in such matters and have been certified as class counsel in dozens of consumer credit cases. Prior to that, I represented commercial interests, including mortgage companies and lenders in consumer credit and mortgage matters. I am the Co-Chair of the Federal Courts Committee of the Montgomery Bar Association and serve on the adjunct faculty at Temple University Beasley School of Law and Widener University School of Law, where I teach Consumer Law and Litigation. My bio is appended hereto as Exhibit "B-1".
3. I have written articles and done presentations for law student, bar association and attorney groups on statutory attorney's fees. As a function of my extensive practice in the area, academic pursuits and bar involvement, I am fully acquainted with and knowledgeable concerning prevailing rates for consumer law practitioners in the Eastern District of Pennsylvania. I am providing this Declaration in connection with Plaintiff's motion for approval of class counsel attorney fees and costs in the above matter.

4. Mr. Sola is a member of the Oregon bar and was admitted to co-counsel and co-try the case in the above matter, *pro hac vice*. In this circuit the general rule is that attorney's fees are awarded according to the prevailing rates in the forum where the Court sits. *See Apple Corps Limited v. International Collectors Society*, 25 F.Supp.2d 480, 493 (D. N.J. 1998)(out of town attorneys should receive "the hourly rate prevailing in the forum in which the litigation is lodged.") *quoting* Third Circuit Task Force, *Court Awarded Attorneys Fees* 108 F.R.D. 237, 260 (1986). Accordingly, I am opining on reasonable rates for the Eastern District of Pennsylvania.

5. It is my understanding that Mr. Sola, as one of class counsel, is seeking approval of counsel fees that are premised upon his billing rate of \$550.00 per hour. For the reasons discussed below, it is my opinion that \$550.00 an hour is a fair, reasonable market rate for an attorney of Mr. Sola's experience and credentials.

6. Mr. Sola has been admitted to the bar for approximately 27 years, since 1984. He has focused on consumer law and consumer credit matters since about 1995 and for the past eight or nine years has represented clients almost exclusively in cases arising under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681. Mr. Sola has handled dozens of FCRA cases, individual and class actions. Mr. Sola has achieved an admirable success record both in settlements and verdicts, well known in the consumer law community. I understand that Mr. Sola has at least two verdicts in FCRA cases in excess of Two Million Dollars and many substantial settlements.

7. Mr. Sola is frequently sought out by consumer law attorneys around the country for his expertise and to co-counsel matters. I am advised that he has co-counseled and tried cases in ten or more jurisdictions in matters arising under the Consumer Credit Protection Act.

8. Mr. Sola is a regular speaker at consumer law and credit reporting conferences around the country, where he lectures on FCRA litigation. He is well regarded for his expertise as well as his trial accomplishments in FCRA matters.

9. The FCRA is a sub-chapter of the Consumer Credit Protection Act ("CCPA"). The CCPA and FCRA sub-chapter falls broadly under the rubric of banking law, as the Acts govern banks and other lenders who furnish credit information, as well as consumer reporting agencies.

10. There is a small bar of attorneys in the Eastern District of Pennsylvania who regularly handle more complex cases arising under the CCPA and FCRA sub-chapter. The law under the FCRA is to some extent arcane, the statute is comprehensive and dense. Effective litigation under the FCRA requires both a detailed substantive knowledge of the Act and how it is applied by the Courts, together with an understanding of the workings of credit furnishers, consumer reporting agencies, how they interact and exchange data, and how the consumer reporting agencies receive and marshal data from public sources and public records.

11. The rate of \$550.00 an hour for a 27 year lawyer with substantial experience in this specialized area is well in keeping with market rates in this District.

12. The National Law Journal is a respected legal publication of national reach. It annually surveys attorney billing rates in many of the districts around the country, and has done so for some 20 years. The data is published in December of each year. According to the National Law Journal's December 6, 2010 nationwide sampling of law firm billing rates, Eastern District firm billing rates, as reflected in the survey include:

Blank Rome: Partner rates ranging from a high of \$855.00 to a low of \$440.00 with an average of \$615.00.

Cozen O'Connor: Partner billing rates ranging from \$880.00 to a low of \$310.00 with an average of \$497.00.

Pepper, Hamilton: Partner billing rates ranging from \$825.00 to \$420.00 with an average partner billing rate of \$547.00

(A copy of the NLJ billing rates survey is attached hereto as Exhibit "B-2").

13. Judge Rufe recently relied upon the National Law Firm Survey of Billing Rates as some evidence in a Consumer Credit Protection Act case in which my firm was involved.

Harlan v. NRA Group, 2011 WL 813961 (E.D. Pa. March 2, 2011)(approving your declarant's rate at \$555.00 per hour).

14. In order to attract competent counsel to handle these technical and difficult cases in a specialized area of consumer credit protection, a reasonable market rate is necessary. For all of these reasons, I opine that Mr. Sola's requested rate of \$550.00 per hour for this matter in this District is a fair and reasonable market rate.

I declare under penalty of perjury the foregoing is true and correct.

Date: 3/17/11

/s/ Cary L. Flitter

CARY L. FLITTER

EXHIBIT "B-1"

BIO OF CARY L. FLITTER
LUNDY, FLITTER, BELDECOS & BERGER, P.C.
450 N. Narberth Avenue
Narberth, PA 19072
(610) 822-0782
Fax: (610) 667-0552
Email: cflitter@lfb.com
www.consumerslaw.com

Qualifications of Counsel

1. I am the partner responsible for litigation with the law firm of Lundy, Flitter, Beldecos & Berger, P.C. with offices in Montgomery County, Pennsylvania and Burlington County, New Jersey. My practice entails a variety of consumer credit matters and other diverse commercial disputes, including consumer class action.

Bar Admissions

2. I have been admitted to the bar for 30 years (1981). I am admitted to practice and in good standing before the United States Supreme Court (1999), the United States Court of Appeals for the Third Circuit (1983), the Fourth Circuit (1990), and the Eighth Circuit (2001); the United States District Court for the Eastern District of Pennsylvania (1981), Middle District of Pennsylvania (1995), District of New Jersey (1981), and the District of Nebraska (2000); the Supreme Court of Pennsylvania (1981) and the Supreme Court of New Jersey (1981).

Teaching Appointments and Academic Guest Lectures

3. a) Temple University, James E. Beasley School of Law -- Adjunct Faculty, Consumer Law and Litigation, appointed 2009.

b) Widener University School of Law -- Adjunct Faculty, Consumer Law & Litigation, appointed 1999.

c) Philadelphia University -- Adjunct Faculty, Commercial Law (1991 to 1998).

4. I have delivered guest lectures at these academic venues (partial list):

- Harvard Law School, *Consumer Litigation Strategies and the Law of Statutory Attorneys Fees*, March 2007;
- Temple University, Beasley School of Law, *Automobile Dealer Finance Fraud*, October 2002-October 2006;
- University of Houston Law Center, (Symposium for Consumer Law Professors)

Teaching Consumer Law, May, 2008;

- University of Salvador, School of Law, Buenos Aires, Argentina, *Comparative U.S. Protection Laws*, August 2008;
- University of Utah, SJ Quinney College of Law, *The Law of Deception Under the Fair Debt Collection Practices Act*, March, 2009.
- Gonzaga University School of Law, Spokane, Washington, *Consumer Class Action Fundamentals*, October, 2010; *Consumer Law Strategies and Developments*, February, 2010.
- University of Pennsylvania Law School, Philadelphia, PA, Co-Presenter, *Advocacy for Justice in Consumer Matters*, March, 2011

Education

5. 1976 - Philadelphia University - Bachelor of Science in Finance. Recipient, 1997 Hughes Award for the Advancement of Scholarship. President, Alumni Board 1990-92. Member, College Board of Trustees, 1990-92.

1981- Delaware Law School of Widener University - Juris Doctor; American Jurisprudence Award for Scholarship, Corporations and Partnerships; 1998 Outstanding Service Award for dedication and service to the legal community.

National Institute for Trial Advocacy:

1986 - Trial Skills and Methods - University of Pennsylvania.

1990 - Federal and State Court Motion Practice - University of Denver.

2009 – Graduate, Spence Trial Lawyers College.

Legislative/Administrative Proceedings

6. *Federal Trade Commission, Division of Financial Practices: Panelist, Workshop on Debt Collection -- The Role of Creditors*. Washington DC, October, 2007 (Testimony cited in FTC Final Report found at <http://www.ftc.gov/bcp/workshops/debtcollection/dcwr.pdf>)

Federal Trade Commission, Division of Financial Practices: Panelist, Workshop on Debt Collection: Protecting Consumers. Washington DC, December, 2009.

Bar Lectures/CLE Presentations

2011

7. Co-presenter, *Fair Debt Collection Practices Act, Ask the Experts*, National Consumer Law Center Conference, Seattle, WA, March, 2011; Co-presenter, *Creditor Liability for Debt Collector Conduct: What Your Collectors and Law Firms Do Can Hurt You*; ALI-ABA Telephone Webinar, February, 2011.

2010

Course planner and presenter: *Consumer Law Strategies for the Legal Aid Lawyer*, Philadelphia, Harrisburg, Pittsburgh, PA, November, December, 2010; Course planner and co-presenter, *Consumer Credit Law Developments* (federal and Pennsylvania) with Theodore Lorenz, Esq., Montgomery Bar Association, Norristown, PA October 2010; Course planner and co-presenter, *An Afternoon with our Federal Bench*, with Hon. Anthony Scirica, Hon. D. Michael Fisher, USCA, and Hon. Harvey Bartle, Chief Judge, USDC, E.D. Pa., Montgomery Bar Association, Norristown, PA, June 2010; Co-Presenter, *Fair Debt Collection Practices Act: Ask the Experts*, National Consumer Law Center program, Jacksonville, Florida, February 2010.

2009

Co-Presenter, *Fair Debt Collection Practices Act, Ask the Experts*, National Consumer Law Center Annual Conference, Philadelphia, PA, October 2009; *Ethical Issues in Class Counsel Fees*, National Consumer Law Center Class Action Symposium, Philadelphia, PA, October, 2009; Course Planner and Co-Presenter *Federal Court Update*, Montgomery Bar Association (at Nemaconlin) October, 2009; Course Planner and Co-Presenter, *Consumer Debt Litigation*, Pa. Bar Institute, Philadelphia, PA (simulcast to 5 Pa. locations), June 2009; Co-Presenter, *Impermissible Access to Consumer Credit Reports*, National Association of Consumer Advocates Fair Credit Reporting Act Conference, Chicago, IL, May 2009; Co-Presenter, *Ethical Issues in Consumer Class Action Practice*, National Consumer Law Center Annual Fair Debt Conference, San Diego, CA, February 2009.

2008

Co-Presenter, CLE: *Doing Well While Doing Good; What Makes a Successful and Fulfilling Consumer Law Practice*, National Consumer Law Center, Portland, OR, October, 2008; Course Planner and Co-Presenter, CLE: *The Third Circuit Comes to Montgomery County*, with Hon. Kent A. Jordan, U.S.C.A. and Hon. Marcia Waldron, Clerk, U.S.C.A. *Effective Appellate Advocacy in the 3d Circuit Court of Appeals*, Montgomery Bar Association, Norristown, PA, November, 2008.

2007

Co-Presenter, *Civil Remedies for Identity Theft*, Widener University School of Law, Wilmington, DE, August 2007; Presenter, *Permissible Uses of Consumer Credit Reports*, National Association of Consumer Advocates Fair Credit Reporting Conference, Denver, CO, May 2007; Course Planner and Co-Presenter: *Consumer Credit Litigation Developments*, Pa. Bar Institute, Philadelphia and Allentown, PA, March 2007; Co-Presenter: *FDCPA Developments, Ask the Experts*, National Association of Consumer Advocates Fair Debt Collection Practices Conference, Tucson, Arizona, March, 2007;

2006

Course Planner and Co-Presenter, *FDCPA After Brown v. Card Service Center: What is Deceptive?*, Pa. Bar Institute Webcast, Philadelphia, December, 2006; Co-Presenter, *Developments in Class Trial Plans*, National Consumer Law Center Class Action Symposium, Miami, FL, November, 2006; Presenter, *Impermissible Access to Consumer Credit Reports*, National Association of Consumer Advocates, Las Vegas, NV, May, 2006; Co-Presenter, *Fair Debt Collection Practices Act Developments, Ask the Experts*, National Association of Consumer Advocates, Austin, TX, February 2006;

Other presentations, before 2006, have been omitted.

Publications

8. Contributing author, *Pennsylvania Consumer Law* by Carolyn Carter, Bisel Publishing Co., 2003, Supp. 2009. This is the leading legal treatise in Pennsylvania on consumer law issues.

9. Contributor, *Consumer Class Actions*, 5th Ed., National Consumer Law Center, Boston, MA.

10. Legal Intelligencer - *When is a Lawyer a Debt Collector?* - February 2000; Legal Intelligencer - *Consumer Protection Law Amendments Add Teeth* - March 1997; The National Law Journal - *Statutory Attorney's Fees* - February 1999 (partial list).

Quoted/Featured/Contributed

11. Allentown Morning Call – *Court Tosses Debt Collector's Suit*, February 21, 2011; NBC10 TV News - *Fight Back Against Abusive Debt Collectors*, Tracey Davidson segment, March 31, 2009; Fox29 TV News - *Local Pay Day Lender Dumping Financial Documents*, January 2009; New York Times - *Citing 15 Year Delay, Suit Seeks Action on Rebuilt Wrecks* - Feb. 10, 2008 (automobiles); Fox29 TV News - 2007; Time Magazine – *Sue Up or Shut Up!* – October 19, 2006
www.time.com/time/nation/printout/0,8816,1548158,00.html; Consumer Financial Services Law

Report – *A Dunning Letter that Could Propose Legal Action may Violate FDCPA* – October 18, 2006; ABA Journal EReport – *Coulda Woulda Shouldn'ta Debt Collectors Who Warn They Could (But Don't) Sue May Run Afoul of Debt Act* – October 18, 2006 - www.abanet.org/journal/ereport/oc13debt.html; Fox 29 TV News Consumer Alert: *Local Car Dealership Customers Victimized by ID Theft* – August, 2006; Consumer Financial Services Law Report, *Do the Math: FDCPA Class Action Award Depends on Statutory Language* – August, 2006; NBC10 TV News Consumer Alert - *Legal Redress for Fraudulent Sales* – April 11, 2006; Debt Collection Compliance Alert: *Avoid These Traps - 6 Mistakes that Can Get You Sued* – July 2005; Consumer Financial Services Law Report: *Liability May Follow Deviation From FDCPA Notice Language* – May 18, 2005; Consumer Financial Services Law Report: *ID Theft Claim Against Car Dealer Shifts Into Gear* – August 11, 2004; ; Philadelphia Inquirer, *“Montgomery County Car Dealer to Face Class Action for Identity Theft”* – October 2002; Consumer Financial Services Law Reporter, *“Advantages and Disadvantages of Using Expert Witnesses in Consumer Finance Litigation”* - August, 2002; Bankrate.com: *“Consumer Remedies Under the Fair Credit Billing Act”* - June 2002; NBC-10 TV News: *“Consumer Online Chat”* - January 2001; Fox-29 TV News: *“Automobile Financing Fraud”* - November 2000; CBS News Market Watch: *“Effect of Credit Repair Organizations Act”* October 2000; Fox-29 TV News: *“Predatory Lending”* - October 2000; Pennsylvania Lawyer Magazine: *“Sleuthing Through the Ledger”* - January/February 1999; Legal Intelligencer: *“Kelly: 9.5 Million Damage Range Not Specific Enough for Discovery”* - June 1998; Legal Intelligencer: *“Class Action Settlement Worked out with Bally's Collection Attorney”* - July 1997.

Bar Association Appointments/Honors

12. I serve as the year 2011 Co-Chair of the Federal Courts Committee of the Montgomery Bar (Pa.) Association. In that capacity, I assist in liaison projects between the County Bar and the Eastern District (of Pa.) bench and Third Circuit bench; events and visits by our judges and planning and presentation of CLE program(s) on federal practice developments. I have also served as Co-Chair of that committee in 2000 and 2002-2010. We were honored with Committee of the Year Award (2000) by the president of the Montgomery Bar Association.

13. I was appointed by (then) Chief Judge Giles to the E.D. Pa. Magistrate Judge Retention Panel, 2003-04. I was appointed by Chief Judge Bartle to the E.D. Pa. Magistrate Judge Selection Panel, 2006.

14. I was honored to receive from the President of the Pennsylvania Bar Association, in October of 2006, the Jeffrey A. Ernico Award for Support of Legal Services to the Public.

Recent Representative Cases

There are well over 100 reported federal and state decisions in which I was counsel of record, available on Westlaw and Lexis. Significant recent cases include:

Rosenau v. Unifund, 539 F.3d 218 (3d Cir. 2008) (Challenge to phony "Legal Dept.")

Brown v. Card Service Center, 464 F.3d 450 (3d Cir. 2006) (Court adopts FTC standard for deception, finds false suggestion of suit as deceptive under Fair Debt Collection Practices Act)

McGee v. Continental Tire, 2007 WL 2462624 (D.N.J. Aug. 27, 2007) (Federal Jurisdiction over Magnuson-Moss Warranty Claims) *final class approval* at 2009 WL 539893 (DNJ, March 4, 2009)(\$8M class settlement to purchasers of defective tires)

Watson v. NCO Group, 462 F.Supp.2d 641 (E.D. Pa. 2006) (In case of first impression, holding Robot Collection Calls to Non-Debtor Consumer prohibited by Telephone Consumer Protection Act, not Exempted by FCC Regulation)

Ciccarone v B.J. Marchese, Inc., 2004 WL 2966932 (E.D.Pa. Dec. 22, 2004)(final approval to \$2.45M settlement in Identity Theft class action under FCRA)

EXHIBIT "B-2"

BILLING SURVEY

A nationwide sampling of law firm billing rates

The National Law Journal asked the respondents to its 2010 survey of the nation's 250 largest law firms to provide a range of hourly billing rates. Firms that supplied the information are listed in alphabetical order. Non-NLJ 250 firms appear separately.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE			PARTNER			ASSOCIATE		
			MIN	1ST	2ND	MIN	1ST	2ND	MIN	1ST	2ND
Adams and Reese	New Orleans	250	\$270	\$350	\$250	\$340	\$340	\$290	\$195	\$229	\$235
Alston & Bird	Atlanta	786	\$515	\$505	\$285	\$450	\$627	\$615	\$590	\$270	\$405
Archer & Greenberg	San Francisco	1,000						\$340	\$175		
Arent Fox	Washington	328			\$765	\$400		\$475	\$240		
Arnold & Porter	San Francisco	1,000						\$320	\$200		
Baker, Donelson, Bearman, Caldwell & Berkowitz	Memphis, Tenn.	552	\$312	\$305	\$255	\$357	\$348	\$320	\$165	\$231	\$230
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161	\$315		\$575	\$350	\$335	\$360	\$195	\$245	
Bisbee & Associates	San Francisco	133			\$310			\$225	\$225		
Blank Rome	Philadelphia	472	\$510	\$495	\$855	\$440	\$615	\$625	\$550	\$250	\$361
Booker Scheraga & Young	San Francisco	1,000	\$1,200	\$2,550	\$475	\$220	\$300	\$300	\$180	\$208	\$210
Boggs and Morgan	Minneapolis	190	\$373	\$390	\$500	\$290	\$437	\$440	\$315	\$210	\$240
Brownstein Hyatt Farber Schreck	Denver	248	\$391	\$380	\$810	\$295	\$463	\$448	\$360	\$200	\$256
Bryan Cave	San Francisco	1,000	\$450	\$450	\$700	\$370	\$550	\$500	\$300	\$340	\$345
Buchalter Nether	Los Angeles	164	\$415	\$415	\$625	\$270	\$490	\$495	\$450	\$195	\$328
Bushman Irigoin & Pothooney	San Francisco	1,000			\$310			\$455	\$210		
Burr & Forman	Birmingham, Ala.	256	\$328	\$330	\$500	\$210	\$361	\$365	\$335	\$200	\$250
Butler Long	San Francisco	1,000						\$375	\$200		
Caldon Fields	Tampa, Fla.	275	\$388	\$390	\$775	\$325	\$455	\$455	\$375	\$195	\$268
Chadbourne & Parke	New York	574	\$450	\$450	\$550	\$390	\$700	\$785	\$625	\$110	\$442
Cozen O'Connor	Philadelphia	521	\$422	\$390	\$880	\$310	\$497	\$475	\$585	\$225	\$326
Cordes, Miller, Pyle & Cole White	New York	250	\$350	\$480	\$785	\$675	\$650	\$715	\$435	\$225	\$330
Davis Wright Tremaine	Seattle	491	\$355	\$365	\$795	\$320	\$486	\$480	\$435	\$210	\$306
Dechert LLP	New York	1,000			\$575	\$355		\$275	\$16		
Dickstein Shapiro	Washington	336	\$546	\$530	\$950	\$525	\$656	\$650	\$530	\$285	\$428
Dinsmore & Shohl	San Francisco	1,000	\$300	\$290	\$500	\$220	\$360	\$355	\$300	\$175	\$222
Dorsey & Whitney	Minneapolis	578	\$410	\$395	\$795	\$440	\$515	\$515	\$290	\$180	\$285
Duanes Morris	Philadelphia	629	\$183	\$433	\$850	\$240	\$550	\$545	\$480	\$135	\$349
Dykema Gossett	Detroit	333	\$445	\$450	\$635	\$360	\$495	\$515	\$450	\$225	\$325
Eckert Spangenberg & McIlroy	San Francisco	250			\$230			\$370	\$150		
Edwards Angell Palmer & Dodge	Boston	505	\$451	\$450	\$780	\$345	\$571	\$575	\$610	\$200	\$323
Epstein Becker & Green	New York	302	\$420	\$425	\$850	\$350	\$520	\$500	\$450	\$180	\$325
Fisher & Phillips	Atlanta	238			\$595	\$340			\$360	\$220	
Fitzpatrick, Cella, Harper & Scinto	New York	173						\$440	\$275		\$325
Foley & Lardner	Milwaukee	395	\$554	\$570	\$1,035		\$654	\$640		\$255	\$426
Ford & Harrison	Atlanta	170			\$570				\$390	\$240	
Fox Rothschild	Philadelphia	472	\$407	\$415	\$650	\$315	\$473	\$470	\$475	\$235	\$298
Frost Brown Todd	Cincinnati	904	\$475	\$280	\$510	\$200	\$375	\$375	\$250	\$150	\$190
Gardere Wynne Sewell	Dallas	270	\$445	\$450	\$815	\$380	\$531	\$525	\$445	\$195	\$311
Gibbons	Newark, N.J.	223	\$404	\$410	\$780	\$390	\$470	\$475	\$450	\$250	\$283
Godfrey & Kahn	Milwaukee	172			\$495	\$325			\$340	\$180	
Gray Robinson	Orlando, Fla.	250			\$750	\$225			\$315	\$150	
Greenberg Traurig	New York	1,763	\$453	\$480	\$875	\$355	\$550	\$580	\$510	\$200	\$332
Harris Beach	Rochester, N.Y.	176			\$500	\$275			\$250	\$140	
Hiscock & Barclay	Syracuse, N.Y.	175	\$311	\$275	\$650	\$195	\$348	\$305	\$440	\$150	\$234

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FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE		PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN
Hodgson Russ	Buffalo, N.Y.	197	\$328	\$320	\$665	\$230	\$374	\$379	\$410	\$175	\$238	\$230
Holland & Knight	Washington	942	\$418	\$425	\$850	\$390	\$499	\$485	\$480	\$185	\$288	\$280
Holmes, Roberts & Owen	Denver	116	\$374	\$375	\$655	\$235	\$415	\$410	\$350	\$170	\$255	\$255
Husch Blackwell	St. Louis	554	\$329	\$331	\$884	\$230	\$357	\$375	\$415	\$171	\$220	\$209
Jackson Kelly	Charleston, N.C.	181	\$345	\$345	\$455	\$245	\$345	\$345	\$345	\$155	\$245	\$245
Jackson Lewis	White Plains, N.Y.	661	\$364	\$390	\$715	\$260	\$428	\$438	\$440	\$150	\$282	\$275
Jones, Walker, Wachter, Rallevan, Carraro & Deane	New Orleans	307	\$320	\$320	\$620	\$195	\$320	\$320	\$320	\$140	\$275	\$275
Kelley Drye & Warren	New York	325	\$320	\$320	\$900	\$465	\$320	\$320	\$320	\$275	\$275	\$275
Kilpatrick & Stockton	Atlanta	423	\$426	\$425	\$730	\$375	\$327	\$328	\$465	\$225	\$320	\$320
Knobbe, Martens, Olson & Bear	Irvine, Calif.	266	\$432	\$415	\$710	\$395	\$511	\$485	\$450	\$285	\$332	\$335
Laurel Powell	Seattle	179	\$431	\$430	\$600	\$310	\$431	\$430	\$330	\$235	\$278	\$275
Lathrop & Gage	Kansas City, Mo.	286	\$320	\$320	\$490	\$265	\$320	\$320	\$265	\$180	\$275	\$275
Lindquist & Vennum	Minneapolis	155	\$330	\$330	\$650	\$240	\$415	\$410	\$320	\$225	\$275	\$275
Littler Mendelson	San Francisco	764	\$372	\$355	\$650	\$290	\$445	\$435	\$480	\$210	\$296	\$285
Loeb, Loeb, Rissel & Laddell	Dallas	642	\$468	\$515	\$1,120	\$400	\$599	\$600	\$525	\$215	\$320	\$300
Loeb & Loeb	New York	300	\$375	\$375	\$475	\$275	\$375	\$375	\$575	\$275	\$275	\$275
Lowenstein Sandler	Roseland, N.J.	238	\$320	\$320	\$600	\$240	\$320	\$320	\$320	\$225	\$275	\$275
Manatt, Phelps & Phillips	Los Angeles	320	\$568	\$590	\$850	\$525	\$651	\$650	\$525	\$200	\$405	\$410
Marshall, Densmore, Warner, Coleman & Goggin	Philadelphia	412	\$320	\$320	\$600	\$240	\$320	\$320	\$320	\$225	\$275	\$275
Maynard, Cooper & Gale	Birmingham, Ala.	212	\$320	\$320	\$600	\$325	\$320	\$320	\$295	\$235	\$235	\$235
McCarter & English	Newark, N.J.	382	\$320	\$320	\$600	\$225	\$320	\$320	\$225	\$225	\$225	\$225
McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	269	\$210	\$225	\$560	\$235	\$280	\$260	\$275	\$150	\$190	\$185
McKenna Long & Aldridge	Atlanta	429	\$455	\$450	\$830	\$325	\$543	\$535	\$600	\$220	\$355	\$350
Michael Best & Friedrich	Milwaukee	214	\$345	\$345	\$600	\$240	\$345	\$345	\$345	\$220	\$275	\$275
Miles & Stockbridge	Baltimore	223	\$320	\$320	\$695	\$325	\$320	\$320	\$370	\$220	\$275	\$275
Miller & Martin	Charlottesville, Va.	192	\$328	\$335	\$610	\$235	\$361	\$365	\$275	\$180	\$218	\$210
Moore & Van Allen	Charlotte, N.C.	282	\$384	\$350	\$785	\$285	\$441	\$425	\$350	\$180	\$257	\$250
Nelson Mullins Riley & Scarborough	Columbia, S.C.	400	\$347	\$340	\$850	\$245	\$399	\$385	\$335	\$185	\$248	\$240
Nexsen Pruet	Columbia, S.C.	178	\$325	\$325	\$625	\$230	\$325	\$325	\$250	\$160	\$275	\$275
Nixon Peabody	New York	682	\$429	\$430	\$905	\$375	\$613	\$625	\$580	\$195	\$388	\$395
Ogletree, Deakins, Nash, Smoak & Stewart	Greenville, S.C.	485	\$351	\$351	\$575	\$300	\$389	\$390	\$390	\$195	\$285	\$285
Palton Boggs	Washington	525	\$482	\$485	\$990	\$395	\$645	\$625	\$550	\$215	\$399	\$400
Pepper Hamilton	Philadelphia	458	\$326	\$325	\$625	\$420	\$547	\$465	\$230	\$329	\$329	\$329
Perkins Cole	Seattle	583	\$447	\$447	\$625	\$275	\$534	\$530	\$570	\$200	\$354	\$354
Phelps Dunbar	New Orleans	281	\$226	\$215	\$385	\$180	\$272	\$265	\$240	\$145	\$183	\$190
Phillips Lytle	Buffalo, N.Y.	175	\$255	\$260	\$395	\$260	\$382	\$370	\$450	\$180	\$243	\$243
Polsinelli Shughart	Kansas City, Mo.	500	\$320	\$320	\$600	\$250	\$320	\$320	\$325	\$185	\$275	\$275
Quarles & Brady	Milwaukee	419	\$364	\$360	\$660	\$290	\$438	\$435	\$400	\$210	\$260	\$245
Roetzel & Andress	Akron, Ohio	215	\$317	\$325	\$525	\$225	\$357	\$350	\$325	\$165	\$243	\$245
Rutan & Tucker	Costa Mesa, Calif.	133	\$320	\$320	\$650	\$250	\$320	\$320	\$320	\$225	\$275	\$275
Saul Ewing	Philadelphia	219	\$412	\$425	\$800	\$320	\$491	\$478	\$475	\$225	\$310	\$285
Schulte Roth & Zabel	New York	433	\$320	\$320	\$600	\$240	\$320	\$320	\$320	\$225	\$275	\$275
Seyfarth Shaw	Chicago	704	\$377	\$375	\$770	\$335	\$505	\$503	\$535	\$185	\$325	\$329
Sheppard, Mullin, Richter & Hampton	Los Angeles	494	\$420	\$420	\$620	\$290	\$420	\$420	\$420	\$270	\$270	\$270
Shumaker, Loop & Kendrick	Toledo, Ohio	210	\$331	\$350	\$540	\$250	\$366	\$365	\$315	\$185	\$246	\$235
Smith, Gambrell & Russell	Atlanta	175	\$320	\$320	\$740	\$325	\$320	\$320	\$440	\$185	\$275	\$275
Snell & Wilmer	Phoenix	396	\$338	\$325	\$795	\$315	\$486	\$475	\$550	\$175	\$282	\$265
Stoel Rives	Portland, Ore.	368	\$331	\$335	\$500	\$315	\$441	\$444	\$390	\$190	\$270	\$265
Strasburger & Price	Dallas	181	\$336	\$351	\$617	\$250	\$372	\$393	\$306	\$194	\$243	\$245
Taft, Stettinius & Hollister	Cincinnati	286	\$315	\$315	\$500	\$220	\$358	\$350	\$365	\$165	\$227	\$225

SEE SAMPLING, PAGE

BILLING SURVEY

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FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE			PARTNER				ASSOCIATE			
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH
Thompson Coburn	St. Louis	326			\$610	\$300				\$395	\$190		
Thompson & Knight	Orlando												
Townsend and Townsend and Crew	San Francisco	177	\$320	\$250	\$750	\$470	\$583	\$550	\$460	\$260	\$345	\$325	
Ulmer & Berke	Denver												
Velde Prie	Chicago	255	\$425	\$425	\$720	\$370	\$483	\$470	\$365	\$255	\$326	\$325	
Verzani	Washington												
Williams Mullen	Richmond, Va.	300	\$363	\$340	\$645	\$315	\$428	\$395	\$370	\$230	\$279	\$280	
Winston & Strawn	Chicago	899	\$486	\$490	\$1,075	\$475	\$670	\$660	\$610	\$250	\$393	\$375	
Winstead, Gayle, Sandridge & Rouse	Washington, D.C.												
Wyatt, Tarrant & Combs	Louisville, Ky.	186			\$500	\$245				\$285	\$180		
NON-NLJ 250 FIRMS													
Brinkman, Hines, Nelson & Laine	San Francisco												
Fowler White Boggs	Tampa, Fla.	127	\$350	\$370	\$575	\$325	\$400	\$388	\$315	\$205	\$250	\$255	
Greiner, Rice & Kuehn	St. Louis	147											
Luce, Forward, Hamilton & Scripps	San Diego	143			\$670	\$350			\$445	\$245			
McAndrews, Held & Malloy	Chicago	102				\$300							
Montgomery, McCracken, Walker & Rhoads	Philadelphia	117			\$625	\$380	\$461		\$395	\$285	\$284		
Morris, Manning & Martin	Chicago		\$400	\$415									
Schwabe, Williamson & Wyatt	Portland, Ore.	158	\$350	\$340	\$540	\$310	\$415	\$410	\$450	\$200	\$260	\$250	
Sullivan & Worcester	Boston	156	\$537	\$543	\$830	\$475	\$647	\$625	\$535	\$290	\$335	\$370	